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17 Attorneys for Defendant, CRISIS MANAGEMENT, LLC

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 YOU WALK AWAY, LLC, a California
14 limited liability company,,

15 Plaintiff,

16 v.

17 CRISIS MANAGEMENT, LLC, an
18 Arizona corporation, and WALK AWAY
19 PLAN, LLC, a business entity of unknown
20 form,

21 Defendants.

Case No. 08 CV 0529 WQH BLM

NOTICE OF MOTION OF CRISIS
MANAGEMENT, LLC TO
DISMISS, STAY, OR TRANSFER
VENUE TO THE DISTRICT OF
ARIZONA

[NO ORAL ARGUMENT UNLESS
REQUESTED BY COURT]

Date: May 19, 2008

Time: 11:00 a.m.

Crtm.: 4

Judge: Hon. William Q. Hayes

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 NOTICE IS HEREBY GIVEN that on May 19, 2008, at 11:00 a.m., in Courtroom 4 of the
24 above-entitled court, located at 940 Front Street, San Diego, California, Defendant Crisis
25 Management, LLC will, and hereby does, move for an order pursuant to Federal Rule of Civil
26 Procedure 12(b)(3) and 28 U.S.C. § 1404 to dismiss, stay or transfer venue of this action to the
27 United States District Court for the District of Arizona.
28

1 The motion will be made on the ground that a complaint involving the same parties and
2 issues has already been filed in the United States District Court for the District of Arizona. Under
3 the well-settled first to file rule, this action should be dismissed, stayed or transferred to the District
4 of Arizona.


5 The motion will be based on this notice of motion, the declarations of Paul Helbert and
6 James S. Rigberg and the exhibits thereto, and the memorandum of points and authorities served and
7 filed concurrently herewith, on the complaint and other records on file herein, and on such other and
8 further evidence as may be presented at the hearing of this motion.

9
10 Dated: April 14, 2008

MARISCAL, WEEKS, MCINTYRE
& FRIEDLANDER, P.A.

11
12 AND

13 SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation

14 By: 
15 Cynthia A. Fissel
16 Attorneys for Defendant
CRISIS MANAGEMENT, LLC